IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.23219 of 2004

Between:

Municipal Employees Residential Colony Welfare Association, rep. by its Secretary, K.Sesha Rao, S/o Kama Raju,
R/o Samba Murthy Nagar, Kakinada,
East Godavari District.

..... PETITIONER

AND

1 The Municipal Commissioner,

Kakinada Municipality, Kakinada, East Godavari District.
2 The District Collector, East Godavari district, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction one in the nature of writ of mandamus declaring the action of the respondents herein in not taking any action on the representations submitted by the petitioner herein
dt.7-7-2004, 8-7-2004 and 27-11-2004 is illegal, arbitrary, unreasonable and violative of Fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India, besides being opposed to the provisions of A.P.Municipalities Act, 1965.

Counsel for the Petitioner :Mr. T.N.M. Ranga Rao
Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner, in effect, seeks direction to the respondents to take action pursuant to the representations dated 07-07-2004, 08-07-2004 and 27-11-2004.

The petitioner – Municipal Employees Residential Colony Welfare Association - represented by its Secretary alleges that the property covered by the layout under L.P.No.55/56 in T.S.No.134/3 in Kakinada Municipality is included in the residential zone and also in the master plan. While so, the open land in the area belonging to the Revenue Department and meant for roads, is under illegal encroachment. The petitioner – Association further alleges that the residents of the colony made a representation to Kakinada Municipality complaining of illegal encroachment made on the main road and also to implement the orders of the Civil Court. In spite of the representation, the respondent Municipality has not taken any action so far. Hence, the present writ petition is filed.

Heard learned counsel for the petitioner and learned standing counsel for the respondent Municipality and at their request, the writ petition itself is taken up for hearing at the stage of admission.

Having regard to the prayer in the writ petition seeking action on the petitioner's representations and having regard to the complaint of illegal encroachment, I deem it just and proper to direct the first respondent to consider the representations dated

08-07-2004 and 27-11-2004 filed by the petitioner expeditiously and take action in accordance with law.

The writ petition is accordingly disposed of at the stage of admission.

15-12-2004

bsc

To

1 The Municipal Commissioner,

Kakinada Municipality, Kakinada, East Godavari District.
2 The District Collector, East Godavari district, Kakinada.

3. 2CCs to Govt. Pleader for Revenue, High Court buildings, Hyderabad

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